

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Ralph M. Fay et al

Art Unit: 1772

Serial No. 10/801,733

Case Docket No. 7388

Filed: March 15, 2004

Title: FUNGI RESISTANT ASPHALT AND  
ASPHALT SHEET MATERIALSBruenjes, Christopher P.  
ExaminerHon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231**TERMINAL DISCLAIMER**

Dear Sir:

Johns Manville International, Inc. having an address of 717 Seventeenth Street (80202), P.O. Box 5106, Denver, Colorado 80127-5108 represents that it is the assignee and exclusive owner of the entire right, title and interest of, in and to the above-identified Application Serial No. 10/801,733, filed on March 15, 2004, as indicated by the attached assignment copy.

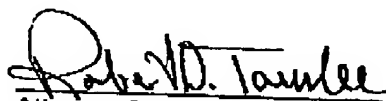
Johns Manville International, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/801,734, filed on March 15, 2004, of any patent on the pending second application, which pending second application is also owned exclusively by Johns Manville International, Inc. Johns Manville International, Inc. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such

~~period that the legal title to said patent shall be the same as the legal title to any patent granted on the second application.~~ This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Johns Manville International, Inc., does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F. R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I, the undersigned, state that I have reviewed the evidentiary documents attached hereto and available to me and to the best of my knowledge and belief, title to both the above-identified application and the pending second application is in Johns Manville International, Inc.

Johns Manville International, Inc.

  
Attorney for Applicants  
Robert D. Touslee

March 17, 2006  
Date